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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,316	03/01/2002	Adrian John Wayneforth Angell	7765XC	2096

27752 7590 08/13/2003

THE PROCTER & GAMBLE COMPANY
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EXAMINER

DOUYON, LORNA M

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 08/13/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/087,316

Applicant(s)

ANGELL ET AL.

Examiner

Lorna M. Douyon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-20 is/are pending in the application.
- 4a) Of the above claim(s) 12-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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1. This action is responsive to the amendment filed on June 6, 2003.
2. Applicant's election with traverse of Groups II-V in Paper No. 8 is acknowledged. The traversal is on the ground(s) that it appears by Applicants that a single search would suffice to find related art relating to laundry detergent compositions incorporating cyclodextrin for malodor reduction and processes therefor. This is not found persuasive because as stated in the previous office action, Groups II-V have acquired a separate status in the art as shown by their different classification, hence, it would be burdensome for the Examiner to examine different inventions.

The requirement is still deemed proper and is therefore made FINAL.

3. The objection to the abstract of the disclosure is withdrawn in view of applicants' amendment.
4. The objection to claims 4 and 6 is withdrawn in view of applicants' amendment.
5. The rejection of claim 6 under 35 U.S.C. 112, second paragraph is withdrawn in view of applicants' cancellation of this claim.

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6. Claims 1-3 and 7-9 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Nebashi et al. (US Patent No. 4,992,198), hereinafter “Nebashi” for the reasons set forth in the office action in paper number 2.

7. Claims 1-5, 7-10 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Surutzidis et al. (WO 98/12298), hereinafter “Surutzidis” for the reasons set forth in the office action in paper number 2.

8. Claim 11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Surutzidis as applied to the above claims, and further in view of Shindo et al. (US Patent No. 5,853,430), hereinafter “Shindo” for the reasons set forth in the office action in paper number 2.

Response to Applicants’ Arguments

9. Applicants’ arguments filed June 6, 2003 have been fully considered but they are not persuasive.

With respect to the rejection based upon Nebashi or Surutzidis, Applicants argue that none of these references teaches or suggests utilizing a cyclodextrin wherein the cyclodextrin remains uncomplexed. Furthermore, with regard to Nebashi, Applicants argue that this reference teaches using perfume for masking the odor of a laundry detergent and not with controlling malodor on the surfaces that the laundry detergent comes in contact with.

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The Examiner respectfully disagrees with the above arguments because even though each of Nebashi or Surutzidis teaches cyclodextrin with perfume, it would still be obvious to one of ordinary skill in the art at the time the invention was made to reasonably expect the cyclodextrin with perfume of Nebashi or Surutzidis to have the cavities of the cyclodextrin to remain essentially unfilled while said cyclodextrin is in solution because by then, the perfume has been released from the cavities of the cyclodextrin and the cyclodextrin cavities would implicitly absorb odor molecules when the solution is applied to a surface. Accordingly, the rejection based upon Nebashi or Surutzidis is maintained.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however,

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will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

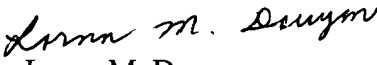
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is (703) 305-3773. The examiner can normally be reached on Mondays-Fridays from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta, can be reached on (703) 308-4708. The fax phone number for this Technology Center is:

(703) 872-9311 - for Official After Final faxes
(703) 872-9310- for all other Official faxes.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center receptionist whose telephone number is (703) 308-0661.

August 10, 2003


Lorna M. Douyon
Primary Examiner
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